

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Oyola, Carmen

Case No.: 16-22315
Judge: MBK
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|---|--|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: June 29, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 360 per month to the Chapter 13 Trustee, starting on July 1, 2017 for approximately 31 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☒ Other information that may be important relating to the payment and length of plan:

\$4,220 paid through May 19, 2017

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 2,551.00 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Nationstar, Wells Fargo(2) and Ally (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Thomas J. Orr, Esq. Internal Revenue Service	Attorney's Fees Income Taxes	\$1,950.00 plus supplemental fees \$4,172.55

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Nationstar Mortgage	Residence	\$4,749.36	0%	\$4,749.36	\$1,744
Wells Fargo Dealer Srv	2015 Ford Escape	\$617.90	0%	\$617.90	\$557
Wells Fargo Dealer Srv	2008 Ford Fusion	\$250.26	0%	\$250.26	\$250
Ally Financial (pre-petition)	2008 Mercury Mountaineer	\$128.35	0%	\$128.35	\$327
Ally Financial (post-petition)	2008 Mercury Mountaineer	\$1,635.00	0%	\$1,635.00	\$327

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None.							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Bank of America	Real Estate at 120 Westchester Drive, Little Egg Harbor, NJ	\$102,167.00	\$31,069.00

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
None

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan
None.		

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☐ Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
None.			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None.		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None.							

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None.		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None.			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Secured Claims
- 3) Priority Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: May 26, 2016.

Explain below why the plan is being modified:

Ms. Oyola is rolling in to the plan 5 post-petition monthly payments (from February 2017 to June 2017) to Ally Financial.

Explain below how the plan is being modified:

Payments to Ally Financial for 5 post-petition installments now included in Part 4(a) of the modified plan. Amounts due other secured creditors in Part 4(a) of the modified plan and to priority creditors in Part 3 now match proofs of claim.

Plan extended by 6 months at same Trustee payment to allow for payments to Ally Financial on post-petition installments due, supplemental counsel fees and Trustee commission.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: June 29, 2017

/s/Thomas J. Orr

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: June 29, 2017

/s/Carmen Oyola

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Carmen Oyola
 Debtor

Case No. 16-22315-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 55

Date Rcvd: Jul 06, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 08, 2017.

db
 cr
 +Carmen Oyola, 16 Timberline Drive, Tuckerton, NJ 08087-3054
 +Liberty Savings Federal Credit Union, McKenna DuPont Higgins & Stone, 229 Broad Street, P.O. Box 610, Red Bank, NJ 07701-0610
 516257057 +Alert Ambulance Service, PO Box 192, Brick, NJ 08723-0192
 516257058 +Allen Chern, LLC, 79 West Monroe Street, 5th Floor, Chicago, IL 60603-4901
 516257060 Bank of America, PO Box 31785, Tampa, FL 33631-3785
 516257061 +Barclays Bank Delaware, 125 S. West Street, Wilmington, DE 19801-5014
 516257062 +Basepointe_HM, 3225 North Star Circle, Louisville, TN 37777-5059
 516257063 Boscov's, Comenity Bank Bankruptcy Department, PO Box 183043, Columbus, OH 43218-3043
 516257064 Boscov's, PO Box 30257, Salt Lake City, UT 84130-0257
 516257065 Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
 516418656 Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516257066 Community Surgical Supply, PO box 4686, Toms River, NJ 08754-4686
 516257067 +Cooper Nuerosurgery, 3 Cooper Plaza #104, Camden, NJ 08103-1407
 516257068 +Express Scripts, 8931 Springdale Avenue, Suite A, Saint Louis, MO 63134-4827
 516257069 +Fabian Oyola, 2012 Highway 35, Spring Lake, NJ 07762-2545
 516257071 Jersey Shore Pain Management, PO Boc 95000-4060, Philadelphia, PA 19195-0001
 516257073 +Liberty Savings FCU, 666 Newark Avenue, Jersey City, NJ 07306-2398
 516257074 M&T Bank, PO Box 619063, Dallas, TX 75261-9063
 516398735 +MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
 516257075 +Maxwell Funeral Home, 160 Mathistown Road, Tuckerton, NJ 08087-1298
 516257077 Millville Rescue Squad, 600 Cedar Street, Millville, NJ 08332-9415
 516257078 +Monmouth Ocean Hospital Service Corp., 4806 Megill Road, Suite 3, Neptune, NJ 07753-6926
 516390563 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage LLC, ATTN: Bankruptcy Department, P.O. Box 619096, Dallas, TX 75261-9741)
 516257081 NJ Acute Care Specialists, 1140 Rt. 72 W, Manahawkin, NJ 08050-2412
 516257079 +National Loan Review, 6 Hutton Centre Drive, Santa Ana, CA 92707-5745
 516257080 +Nationstar, PO Box 619094, Dallas, TX 75261-9094
 516257082 +Noemi Oyola, 16 Timberline Drive, Tuckerton, NJ 08087-3054
 516257083 Northern Monmouth CNT Med Assoc., PO Box 416693, Boston, MA 02241-6693
 516257084 +Northland Group, PO Box 390846, Minneapolis, MN 55439-0846
 516257085 Ocean Home Health, PO Box 71413, Philadelphia, PA 19176-1413
 516257086 #+Ovation Credit Services, 9310 Old Kings Road, South, Suite 404, Jacksonville, FL 32257-8103
 516257087 +Parker McCay, 9000 Midlantic Drive, Suite 300, Mount Laurel, NJ 08054-1539
 516257088 QAR, PO Box 239, Gibbsboro, NJ 08026-0239
 516257089 +Quality Medical Transport, PO Box 320, Bayville, NJ 08721-0429
 516257091 +St. Mary's R.C. Cemetery, PO Box 609, Barnegat, NJ 08005-0609
 516257092 Target Corporate Services, Inc., 3501 West 53rd Street, Sioux Falls, SD 57106-4216
 516257094 +Trans Continental, PO Box 555, White Plains, NY 10603-0555
 516257095 U. S. Attorney General, 950 Pennsylvania Avenue, Washington, DC 20530-0009
 516257096 U. S. Attorney, 930 Broad Street, Newark, NJ 07102
 516274912 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Services, PO Box 19657, Irvine, CA 92623-9657
 516257098 Wells Fargo Dealer Services, Correspondence-MACT9017-026, PO Box 168048, Irving, TX 75016-8048
 516257099 +Youth Fountain LLC, 501 Iron Bridge Road, Suite 9, Freehold, NJ 07728-5305

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 06 2017 22:58:13 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 06 2017 22:58:09 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 516257059 +E-mail/Text: ally@ebn.phinsolutions.com Jul 06 2017 22:57:15 Ally, PO Box 380901, Minneapolis, MN 55438-0901
 516288288 E-mail/Text: ally@ebn.phinsolutions.com Jul 06 2017 22:57:15 Ally Financial, PO Box 130424, Roseville MN 55113-0004
 516257070 E-mail/Text: cio.bncmail@irs.gov Jul 06 2017 22:57:39 Dept. of the Treasury, Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
 516257072 +E-mail/Text: bnckohlsnotices@becket-lee.com Jul 06 2017 22:57:22 Kohl's, PO Box 3043, Milwaukee, WI 53201-3043
 516257076 E-mail/Text: Meridianbankruptcy@meridianhealth.com Jul 06 2017 22:58:52 Meridian Health, PO Box 399, Neptune, NJ 07754-0399
 516492278 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 06 2017 23:02:59 Portfolio Recovery Associates, LLC, c/o Barclaycard, POB 41067, Norfolk VA 23541
 516390650 E-mail/Text: bnc-quantum@quantum3group.com Jul 06 2017 22:58:02 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788, Kirkland, WA 98083-0788
 516257090 +E-mail/Text: SOMCbankruptcy@meridianhealth.com Jul 06 2017 22:58:52 Southern Ocean Medical Center, 1140 Rt. 72 W., Manahawkin, NJ 08050-2412
 516481570 +E-mail/Text: bncmail@-legal.com Jul 06 2017 22:58:19 TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 55

Date Rcvd: Jul 06, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516257093 E-mail/PDF: gecsed@recoverycorp.com Jul 06 2017 22:55:04 TJ Maxx, Synchrony Bank,
PO Box 965060, Orlando, FL 32896-5060

516257097 E-mail/PDF: gecsed@recoverycorp.com Jul 06 2017 22:54:48 Walmart/Synchrony Bank,
Bankruptcy Department, PO box 965060, Orlando, FL 32896-5060

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516399272* Wells Fargo Bank N.A.,, d/b/a Wells Fargo Dealer Services, PO Box 19657,
Irvine, CA 92623-9657

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 08, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 30, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor Nationstar Mortgage LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com

Michael R. DuPont on behalf of Creditor Liberty Savings Federal Credit Union
dupont@redbanklaw.com, dana@redbanklaw.com

Thomas J Orr on behalf of Debtor Carmen Oyola tom@torrlaw.com, xerna@aol.com

TOTAL: 5